



2631

PATENT
97RSS022
CX97002USR
09/849,501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Elias Bjarnason OLD DOCKET NO.: 09785980-0095-97RSS022
 NEW DOCKET NO.: CX97002USR
SERIAL NO.: 09/849,501 GROUP ART UNIT: 2631
DATE FILED: May 04, 2001 EXAMINER: Bayard, Emmanuel
INVENTION: "METHOD AND APPARATUS FOR TRAINING LINEAR
EQUALIZERS IN A PCM MODEM"

June 17, 2002

RECEIVED

JUN 25 2003

Technology Center 2600

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING

I, Francisco A. Rubio-Campos, certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in and envelope addressed to: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Francisco A. Rubio-Campos


Date



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Sir:

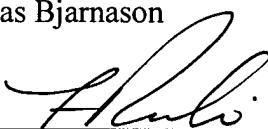
RECONSIDERATION OF THE HOLDING OF ABANDONMENT

The present amendment responds to the Notice of Abandonment mailed on May 27, 2003. Claims 1-29 are currently pending in the present application. Applicants respectfully request that the Examiner please reconsider the holding of abandonment on the present application because Applicants believe that the mailed Notice of Abandonment was improper on the basis that there was no abandonment in fact.

In support of Applicants' position, Applicants are faxing and mailing (via first-class mail) to the Examiner a copy, of the herein attached documents, of the previously filed Response to the Office Action mailed September 4, 2002 along with a copy of the received self-addressed postcard from the United States Patent and Trademark Office (the "USTPO"). The Response to the Office Action was timely filed on December 12, 2002 with a certificate of mailing and a one-month extension of time request under 37 CFR 1.17(a)(1) plus the corresponding one-month extension fee. The received self-addressed postcard is stamped as received by the USPTO on December 18, 2002 and shows that the response to the Office Action was mailed by Applicants on December 12, 2002 with a check (check number 1063) in the amount of \$110.00 for the one-month extension of time. The check was cashed by the USPTO on December 26, 2002.

Therefore, Applicants respectfully submit that there was no abandonment in fact because the Response to the September 4, 2002 mailed Office Action was properly responded to and filed by Applicants. As a result, Applicants respectfully request that the Examiner please withdraw the improper Notice of Abandonment and please reconsider the identified present application in view of the Response to the Office Action. Applicants believe that no new matter has been added by this amendment.

Respectfully submitted,
Elias Bjarnason

By: , Reg. 45,358
Francisco A. Rubio-Campos
Phone: (949) 448-4910
Fax: (714) 948-8903

The Eclipse Group
26895 Aliso Creek Road
Suite B-104
Aliso Viejo, CA 92656-5301



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Client Name: **Conexant Systems, Inc.**

Client & Matter Number: **CX97002USR**

Title: **METHOD AND APPARATUS FOR TRAINING LINEAR EQUALIZERS IN A PCM MODEM**

Serial# 09/849,501 Filing Date: May 4, 2001

Please acknowledge receipt of:

8. Return addressed postcard with postage.
9. Certificate of Mailing (1 page).
10. Transmittal Sheet (1 page).
11. Fee Calculation Sheet (1 page).
12. Response to Office Action dated 09/04/02 (27 pages).
13. Check #1063 in the amount of \$110.00.
14. Extension of Time request (1 page).

Mailed: December 12, 2002



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JUN 23 2003
O P E JC10
PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/849,501
		Filing Date	05/04/2001
		First Named Inventor	Elias Bjarnason
		Group Art Unit	8097-26
		Examiner Name	Bayard, Emmanuel
Total Number of Pages in This Submission	33	Attorney Docket Number	09785980-0095-97RSS022

ENCLOSURES (check all that apply)

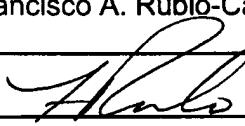
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

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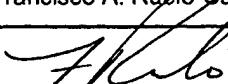
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Francisco A. Rubio-Campos, USPTO Reg. 45,358
Signature	
Date	12/12/2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: December 12, 2002

Typed or printed name	Francisco A. Rubio-Campos
Signature	
	Date
	12/12/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application Number 09/849,501

Filing Date 05/04/2001

First Named Inventor Elias Bjarnason

Examiner Name Bayard, Emmanuel

Group Art Unit 8697

Attorney Docket No. 09785980-0095-97RSS022

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METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number
Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370 Utility filing fee	
106	330	206	165 Design filing fee	
107	510	207	255 Plant filing fee	
108	740	208	370 Reissue filing fee	
114	160	214	80 Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X =	
Multiple Dependent	-3** =	X =	

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description
103	18	203	9 Claims in excess of 20
102	84	202	42 Independent claims in excess of 3
104	280	204	140 Multiple dependent claim, if not paid
109	84	209	42 ** Reissue independent claims over original patent
110	18	210	9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 Surcharge - late filing fee or oath	
127	50	227 Surcharge - late provisional filing fee or cover sheet	
139	130	139 Non-English specification	
147	2,520	147 For filing a request for ex parte reexamination	
112	920*	112 Requesting publication of SIR prior to Examiner action	
113	1,840*	113 Requesting publication of SIR after Examiner action	
115	110	215 Extension for reply within first month	110.00
116	400	216 Extension for reply within second month	
117	920	217 Extension for reply within third month	
118	1,440	218 Extension for reply within fourth month	
128	1,960	228 Extension for reply within fifth month	
119	320	219 Notice of Appeal	
120	320	220 Filing a brief in support of an appeal	
121	280	221 Request for oral hearing	
138	1,510	138 Petition to institute a public use proceeding	
140	110	240 Petition to revive - unavoidable	
141	1,280	241 Petition to revive - unintentional	
142	1,280	242 Utility issue fee (or reissue)	
143	460	243 Design issue fee	
144	620	244 Plant issue fee	
122	130	122 Petitions to the Commissioner	
123	50	123 Processing fee under 37 CFR 1.17(q)	
126	180	126 Submission of Information Disclosure Stmt	
581	40	581 Recording each patent assignment per property (times number of properties)	
146	740	246 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249 For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279 Request for Continued Examination (RCE)	
169	900	169 Request for expedited examination of a design application	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Francisco A. Rubio-Campos	Registration No. (Attorney/Agent)	45,358	Telephone	(949) 448-9410
Signature				Date	12/12/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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FRANCISCO A. RUBIO
8 PLATEAU
ALISO VIEJO, CA 92656

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Date Dec 12, 2002

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Assistant Commissioner for Patents \$ 110.00

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